

ESTTA Tracking number: **ESTTA542729**

Filing date: **06/10/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Joseph Campbell Foundation
Granted to Date of previous extension	06/09/2013
Address	180 DeBurgh Drive San Anselmo, CA 94960 UNITED STATES

Correspondence information	Joseph Campbell Foundation 180 DeBurgh Drive San Anselmo, CA 94960 UNITED STATES iplaw@maryshapiro.com
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Applicant Information

Application No	85675757	Publication date	12/11/2012
Opposition Filing Date	06/10/2013	Opposition Period Ends	06/09/2013
Applicant	BIRTHING FROM WITHIN, LLC PO Box 60259 Santa Barbara, CA 93160 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2007/09/17 First Use In Commerce: 2007/09/17 All goods and services in the class are opposed, namely: Educational services, namely, conducting workshops, consultations, classes, retreats, and storytelling, live and online, in the fields of pregnancy, postpartum, life meaning and transitions, spiritual growth, motivation, personal freedom, and healing trauma, and distribution of course and training materials in connection therewith

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4246622	Application Date	02/26/2011
Registration Date	11/20/2012	Foreign Priority Date	NONE
Word Mark	HERO'S JOURNEY		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2005/11/05 First Use In Commerce: 2012/09/13 Conducting workshops and seminars in mythology, comparative religion, and self-awareness

Attachments	Notice of Opposition - Birthing From Within.pdf(2500486 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Mary L. Shapiro/
Name	Joseph Campbell Foundation
Date	06/10/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Mark: BIRTH AS A HERO'S JOURNEY

Appl. Ser. No. 85/675,757

Publication Date: December 11, 2012

Joseph Campbell Foundation,

Opposer,

v.

Birthing From Within, LLC,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Joseph Campbell Foundation ("Opposer"), a not-for profit corporation organized and existing under the laws of the State of Hawaii, having a business address at 180 De Burgh Drive, San Anselmo, California 94960, believes it is being or may be damaged by the registration of the alleged mark BIRTH AS A HERO'S JOURNEY, as shown in Application No. 85/675,757, for all services categorized and described in Class 41, filed on behalf of Birthing From Within, LLC ("Applicant"), believed to be a limited liability company organized under the laws of the State of California, having a postal address at P.O. Box 60259, Santa Barbara, California 93160, and hereby files this Notice of Opposition to oppose same and prevent registration of the aforementioned application.

As grounds for opposition, Opposer alleges

1. Opposer has obtained the necessary and allowed extensions of time in which to oppose the application at issue, which application was published December 11, 2012.

2. Opposer was founded as the “Joseph Campbell Foundation” in 1990, with the mission 1990 to preserve, protect, and perpetuate the work of author, writer, and speaker Joseph Campbell by cataloging and archiving his works, developing new publications based on his works, directing the sale and distribution of his published works, protecting copyrights to his works, increasing awareness of his works by making them available in digital formats; further his pioneering work in mythology and comparative religion by promoting the study of mythology and comparative religion, implementing and/or supporting diverse mythological education programs, supporting and/or sponsoring events designed to increase public awareness, donating Campbell’s archived works and personal library, and utilizing the Foundation’s website as a forum for relevant cross-cultural dialogue; and help individuals enrich their lives by participating globally in the Foundation’s Internet-based programs, locally in one of the Foundation’s international network of Mythological RoundTables® seminars or groups, and periodically in various related activities that JCF undertakes.
3. Joseph Campbell published his first, full-length, solo authorial endeavor, *The Hero with a Thousand Faces* (Bollingen Series XVII: 1949), to acclaim in 1949, bringing him the first of numerous awards and honors, namely the National Institute of Arts and Letters Award for Contributions to Creative Literature.
4. In his initial study of the myth of the hero, Campbell posited the existence of a universal pattern that is the essence of, and common to, heroic tales in every culture and explored common variations in the “Hero’s Journey,” which, he argues, is an operative metaphor, not only for an individual, but for a culture as well.
5. Ultimately, Campbell’s teachings had a major influence on generations of creative artists—from the Abstract Expressionists in the 1950s to contemporary film-makers today—and his initial publication has been acclaimed as a classic.
6. Campbell authored dozens of articles and numerous other books, was a prolific editor, and arguably had his greatest popular impact as a public speaker.
7. In 1988, millions were introduced to Campbell’s ideas by the PBS broadcast of *Joseph Campbell and The Power of Myth* with Bill Moyers, six hours of an electrifying conversation that the two men had videotaped over the course of several years.
8. Since at least as early as 2005, Opposer has used the mark HERO’S JOURNEY in connection with workshops and seminars in mythology, comparative religion, and self-awareness.
9. Opposer registered the mark at issue under Reg. No. 4246622 and the mark serves to identify Opposer as the source of its services.
10. Applicant filed an application for the mark BIRTH AS A HERO’S JOURNEY, the subject of Application Serial No. 85/675,757, alleging September 17, 2007 as its first date of use in commerce.

11. Opposer asserts priority in its registered mark over Applicant's alleged first use of its applied-for mark.
12. Opposer submits that Applicant's applied-for mark encompasses Opposer's registered mark in its entirety.
13. Applicant's applied-for mark is highly similar in appearance and commercial impression to Opposer's registered mark.
14. Opposer submits that Applicant seeks to register services that overlap with, or are at least highly related, to the services offered by Opposer under the mark at issue.
15. Opposer asserts that Applicant's registration of the mark at issue is likely to cause confusion, to cause mistake, and to deceive customers, potential customers, and others as to the source of its services. Such confusion will cause harm to Opposer and the consuming public.
16. Person's familiar with Opposer's registered mark may buy Applicant's services as services offered by Opposer. Any defect, objection, or fault found with Applicant's services marketed under the applied-for mark would likely reflect upon and injure Opposer and the reputation of the quality of services offered under Opposer's registered mark.
17. Accordingly, for each and every reason stated above, Opposer believes that it will be damaged by registration of Application No. 85/675,757 protested herein.

WHEREFORE, Opposer prays that the opposition to cancel Application No. 85/675,757 be granted and that the subject application be refused.

Respectfully submitted,

By:


Mary L. Shapiro, Esq.
Attorney for Joseph Campbell Foundation

Dated: June 10, 2013

Mary L. Shapiro Law, PC
244 California Street, Suite 507
San Francisco, CA 94111-4354
Telephone: 415- 398-3141
Email: iplaw@maryshapiro.com

PROOF OF SERVICE BY MAIL
C.C.P. 1013a


I declare that I am a resident of or employed in the County of San Francisco, California. I am over the age of 18 years and not a party to the within entitled cause. The name and address of my business is: Mary L. Shapiro Law, PC, 244 California Street, Suite 507, San Francisco, California 94111-4354.

I am readily familiar with the ordinary practice of the business of collecting, processing and depositing correspondence in the United States Postal Service and that the correspondence will be deposited the same day with postage thereon fully prepaid.

On June 10, 2013, I served the NOTICE OF OPPOSITION on the parties listed below by placing a true copy thereof enclosed in a sealed envelope for collection and mailing in the United States Postal Service following ordinary business practices at San Francisco, California addressed as follows:

Isaac Estrada
Peacock Myers, P.C.
P. O. Box 26927
Albuquerque, NM 87125-6927

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on June 10, 2013, at San Francisco, California.



Eddie Shine